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PCT #3

MAIL STOP PCT

Attorney Docket: 26737U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Group Art Unit: Unknown

KOHL, et al.

Examiner: Unknown

Serial Number: 10/531,720

International Application Number: PCT/EP2004/050272

Filing Date: April 18, 2005

International Filing Date: March 08, 2004

Title: **NOVEL PROCESS FOR THE PREPARATION OF ROFLUMILAST**

TRANSMITTAL LETTER

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Information Disclosure Statement;
- (3) PTO Form-1449 with 15 cited References;
- (4) Copies of 9 cited References.

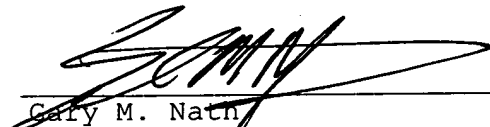
The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account Number 14-0112.

Respectfully submitted,

**NATH & ASSOCIATES PLLC**

Date: May 24, 2005

By:

  
\_\_\_\_\_  
Gary M. Nath  
Registration Number 26,965  
Sheldon M. McGee  
Registration Number 50,454  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. 1.97-1.98. Please note the following particulars: [NOTE: One only of items a, b, c, and d must be checked.]

- [XXX] a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.
- [ ] b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311.  
The enclosed statement is accompanied by [check one]:  
[ ] i. a certification in part (e) below as specified in 37 C.F.R. 1.97(e), or  
[ ] ii. a check in the amount required by 37 C.F.R. 1.17(p).
- [ ] c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311, but before payment of the issue fee.  
[ ] Certification report(e) below; and  
[ ] a check in the amount as required by 1.17(p).
- [ ] d. The enclosed statement is being filed pursuant to 37 C.F.R. 1.97(i), for placement in the file.
- [ ] e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

[ ] I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,

or

[ ] I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

[ ] Appropriate certification is attached.

[XXX] f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

[XXX] g. Copies of the documents are attached herewith with a completed Form PTO-1449.

or

[ ] Copies of the documents are not attached as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:

and/or

[XXX] Copies of US Patents/Publications not attached as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

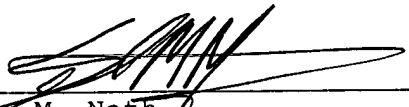
Respectfully submitted,

**NATH & ASSOCIATES PLLC**

Date: May 24, 2005

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<b>FORM PTO-1449</b>		Attorney Docket: 26737U		Serial Number: 10/531,720	
<b>INFORMATION DISCLOSURE CITATION</b>		Inventor: KOHL, et al.		Filing Date: April 18, 2005	
				Group Art Unit: Unknown	

U.S. PATENT DOCUMENTS						
Exam. Initial	Document Number	Issue Date	Name	Class	Sub-Class	Filing Date
A1	6,822,114 B1	23 Nov. 2004	Williams et al.			08 Oct. 2002
A2	6,448,274 B2	10 Sep. 2002	Friesen et al.			24 May 2001
A3	6,255,326 B1	03 Jul. 2001	Ashton, et al.			27 Jan. 1999
A4	5,712,298 A (corresponds to WO 95/01338 A1)	27 Jan. 1998	Amschler			19 Dec. 1995
A5	5,698,711 A	16 Dec. 1997	Palfreyman			07 Jun. 1995
A6	5,340,827 A	23 Aug. 1994	Beeley et al.			14 Jun. 1993

FOREIGN PATENT DOCUMENTS						
Document Number	Date	Country	Class	Sub-Class	Translation	
A7 95/01338 A1	12 Jan. 1995	WO			Abstract	
A8 94/02465 A1	03 Feb. 1994	WO			N/A	
A9 93/25517 A1	23 Dec. 1993	WO			N/A	
A10 2004/033430 A2	22 Apr. 2004	WO			N/A	
A11 01/90076 A1	29 Nov. 2001	WO			N/A	
A12 03/070279 A1	28 Aug. 2003	WO			N/A	
A13 03/099334 A1	04 Dec. 2003	WO			N/A	

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)	
A14	Cook, D. C., et al., "Process Development Of The PDE IV Inhibitor 3-(Cyclopentyloxy)-N-(3,5-dichloropyrid-4-yl)-4-methoxybenzamide", <u>Organic Process Research &amp; Development</u> , Vol. 2, Pgs. 157-168, (1998).
A15	Reid, P., "Roflumilast", <u>Current Opinion In Investigational Drugs</u> , Vol. 3, No. 8, Pgs. 1165-1170, (2002).

Examiner	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.